

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL MILLER,	:	Civil No. 1:24-CV-00014
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
COUNTY OF LANCASTER, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

**ORDER**

Before the court is the report and recommendation of United States Magistrate Judge Martin C. Carlson recommending that Plaintiff’s motion for entry of default and motion to strike be denied, and Defendant Pennsylvania Commonwealth Office of Open Records’ (“OOR”) motion to set aside default be granted. (Doc. 37.) Specifically, Judge Carlson recounts the history of this case, and finds that this matter should be resolved on the merits rather than through default given all the facts and circumstances presented. (*Id.*)

Plaintiff filed objections to the report and recommendation, which OOR opposed, and Plaintiff filed a reply brief. (Docs. 40, 49, 52.) Plaintiff states that his objections are specific and require de novo review. However, a review of the objections shows that Plaintiff is rearguing much of the arguments set forth in Plaintiff’s brief in opposition to OOR’s motion to set aside the default. (*Compare* Doc. 23 *with* Docs. 40, 52.) Further, Plaintiff’s objections simply show a

disagreement with Judge Carlson's analysis and conclusions in the report and recommendation. (Docs. 40, 52.) Because repeating arguments already raised and expressing disagreement with the magistrate judge's analysis are considered general objections, the court finds that Plaintiff's objections are general in nature.

When a party raises only general objections to a report and recommendation, a district court is not required to conduct a de novo review of the report and recommendation. *Goney v. Clark*, 749 F.2d 5, 6–7 (3d Cir. 1984). “To obtain de novo determination of a magistrate's findings by a district court, 28 U.S.C. § 636(b)(1) requires both timely and specific objections to the report.” *Id.* at 6. Thus, when reviewing general objections to a report and recommendation, the court's review is limited “to ascertaining whether there is ‘clear error’ or ‘manifest injustice’” on the face of the record. *Boomer v. Lewis*, No. 3:06-CV-00850, 2009 WL 2900778, at \*1 (M.D. Pa. Sept. 9, 2009).

The court has reviewed Judge Carlson's report and recommendation and finds no clear error or manifest injustice on the face of the record. Plaintiff's objections merely express disagreement with Judge Carlson's analysis and attempt to rehash or restate arguments already considered and rejected by Judge Carlson in the thorough report and recommendation. Accordingly, **IT IS ORDERED THAT:**

- 1) The report and recommendation, Doc. 37, is **ADOPTED**;

- 2) Plaintiff's motion for entry of default, Doc. 20, is **DENIED**;
- 3) Plaintiff's motion to strike Defendant's motion to dismiss, Doc. 29, is **DENIED**;
- 4) OOR's motion to set aside default, Doc. 14, is **GRANTED**; and
- 5) This matter is referred back to Magistrate Judge Carlson for pretrial management.

s/Jennifer P. Wilson  
JENNIFER P. WILSON  
United States District Judge  
Middle District of Pennsylvania

Dated: June 5, 2024